

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

VS.

COREY BROADNAX

Defendant.

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NO. 3-07-CR-0265-O

NO. 3-11-CV-2672-O-BD

RECOMMENDATION REGARDING CERTIFICATE OF APPEALABILITY

A Notice of Appeal has been filed in the above captioned action in which:

- () the District Court has entered a final order in a habeas corpus proceeding brought pursuant to 28 U.S.C. § 2254.
(X) the District Court has entered a final order in a proceeding pursuant to 28 U.S.C. § 2255.

Pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c), the undersigned Magistrate Judge recommends as follows:

- () a Certificate of Appealability should be GRANTED. (See issues set forth below).
(X) a Certificate of Appealability should be DENIED. (See reasons stated below).

REASONS FOR DENIAL: For the reasons stated in the Findings and Recommendation of the United States Magistrate Judge, filed on January 11, 2012, which was adopted by the District Court on February 15, 2012, the Petitioner has failed to make a substantial showing of the denial of a federal constitutional right. *See Slack v. McDaniel*, 529 U.S. 473, 480-81, 120 S. Ct. 1595, 1602, 146 L.Ed.2d 542 (2000).

SIGNED this 7th day of March, 2012.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE